

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-00034

PHYLLIS DOTY

MEMORANDUM OPINION AND ORDER

Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the parties in a criminal proceeding with a forfeiture allegation have the right to request a jury determination on the forfeitability of specific property if the jury returns a guilty verdict. See Fed. R. Crim. P. 32.2(b)(5). The parties waived their right to a jury determination on the alleged forfeiture. Accordingly, the court "must determine whether the government has established the requisite nexus between the property and the offense," id. at (b)(1)(A), and do so "sufficiently in advance of sentencing . . ." Id. at (b)(2)(B). Accordingly, the court sets the following briefing schedule:

- 1) The United States' opening brief shall be due before Thursday, October 4, 2018.
- 2) Defendant's response shall be due fourteen (14) days from the date of the United States' opening brief.

3) United States' reply shall be due seven (7) days from the date defendant's brief is filed.

4) The forfeiture hearing in this action shall be held on Thursday, November 1, 2018 at 10:00 a.m. in Charleston.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record.

IT IS SO ORDERED this 5th day of September 2018.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge